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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

47

Application Number

09/818,230

Filing Date

March 27, 2001

First Named Inventor

Taber B. Noble

Art Unit

2611

Examiner Name

Hunter B. Lonsberry

Attorney Docket Number

PD-200288

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

The DirecTV Group, Inc.

Signature

Printed name

Georgann S. Grunebach

Date

October 24, 2006

Reg. No.

33,179

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

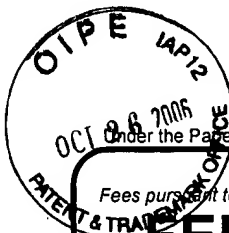
Georgann S. Grunebach, Reg. No. 33,179

Date

October 24, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2006**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 500

**Complete if Known**

Application Number	09/818,230
Filing Date	March 27, 2001
First Named Inventor	Taber B. Noble
Examiner Name	LONSBERRY, Hunter B.
Art Unit	2611
Attorney Docket No.	PD-200288

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 50-0383 Deposit Account Name: The DIRECTV Group, Inc.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
- 20 or HP =	x	=		<u>Fee (\$)</u> <u>Fee Paid (\$)</u>

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Fee for filing a brief in support of an appealFees Paid (\$)\$500**SUBMITTED BY**

Signature	Registration No. 33,179 (Attorney/Agent)	Telephone 310-964-4615
Name (Print/Type) Georgann S. Grunebach		Date October 24, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Inventor: Taber B. Noble

Serial No.: 09/818,230

Filed: March 27, 2001

Title: DAYPART BASED NAVIGATION  
PARADIGM

Examiner: Hunter B. Lonsberry

Group Art Unit: 2611

Appeal No.: \_\_\_\_\_

**BRIEF OF APPELLANTS**

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §1.192, Appellants hereby submit the Appellants' Brief on Appeal from the final rejection in the above-identified application, as set forth in the Office Action dated March 7, 2006.

Please charge the amount of \$500.00 to cover the required fee for filing this Appeal Brief as set forth under 37 CFR §1.17(c) to Deposit Account No. 50-0383 of THE DIRECTV GROUP, INC., the assignee of the present application. Also, please charge any additional fees or credit any overpayments to Deposit Account No. 50-0383.

**I. REAL PARTY IN INTEREST**

The real party in interest is THE DIRECTV GROUP, INC., the assignee of the present application.

~~10/27/2006 CNGUYEN 00000007 500383 09818230~~

~~01-FC:1401 -500.00-DA~~

10/27/2006 CNGUYEN 00000099 500383 09818230

01 FC:1402 500.00 DA

## II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences for the above-referenced patent application.

## III. STATUS OF CLAIMS

Claims 1-5, 8-10, 12, 14-50, 53-55, 57, 59-92, 94 and 95 are pending in the application.

Claims 1, 2, 12, 14-16, 23, 24, 27-43, 46, 47, 57, 59-61, 68, 69, 71-88, 91, 92, 94 and 95 were rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 6,268,849 to Boyer and U.S. Patent No. 6,005,565 to Legall, and these rejections are being appealed.

Claims 3-5, 8-10, 17-22, 25, 48-50, 53-55, 62-67 and 70 were rejected under 35 U.S.C. §103(a) as being obvious in view of Boyer, Legall and U.S. Patent No. 6,177,931 to Alexander and these rejections are being appealed.

## IV. STATUS OF AMENDMENTS

No amendments to the claims have been made subsequent to the final Office Action.

## V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 recites a method of providing media program information, and is disclosed in the Applicant's specification as follows:

Features	Found in Specification
accepting a command to select an active channel from a plurality of selectable channels;	The “active channel” is disclosed at (page 24, lines 17-19); and accepting a command to select an active channel is disclosed at (page 23, line 26 - page 24, line 2)
accepting a command to provide a menu guide selected from a plurality of menu guides together defining a media program information space segmented by daypart, wherein the menu guide is associated with a first daypart; and	Features are disclosed at page 51, lines 12-14.
providing the menu guide, the menu guide comprising a menu guide content portion presenting media program information regarding media programs consisting of all of the media programs scheduled to be available during the first daypart on a channel consisting of the active channel.	Providing media guide having media guide content portion presenting media information regarding media program is disclosed at page 51, lines 14-18. That the menu guide allows all available programming in a daypart to be selected is disclosed at page 7, lines 7-12.

Independent claim 46 is directed to an apparatus for providing media program information describing media programs, and is disclosed in the Applicant's specification as follows:

Features	Found in Specification
a receiver	The receiver (500) is disclosed in FIG. 5 and the text appurtenant thereto (page 16, line 10 - page 20, line 6)
a tuner for receiving the media program and the media program information, a processor, communicatively coupled to the tuner, for accepting a command to select an active channel from a plurality of selectable channels and for accepting a command to provide a menu guide	The tuner (504) is shown in FIG. 5 and described at page 16, lines 29-30; the processor is disclosed in FIG. 5 (microcontroller 510), and page 18, lines 18-25.
guide is selected from a plurality of menu guides together defining a media program information space segmented by daypart, wherein the menu guide is associated with a first daypart, and for providing the menu guide, the menu guide having a menu guide content portion presenting media program information regarding media programs consisting of all of the media programs scheduled to be available during the first daypart on the active channel.	The menu guide is disclosed in FIG. 10 and the text appurtenant thereto (page 23, line 21 - page 25, line 19); the program information space segmented by daypart is disclosed in FIG. 9 and the text appurtenant thereto (page 21, line 23 - page 23, line 19); the menu guide content portion is disclosed in FIG. 10 (item 1006) and discussed at page 23 line 29 et seq.; presenting media program information regarding media programs consisting of all of the media programs scheduled to be available during the first daypart on an active channel is disclosed at page 51, lines 14-18 and page 7, lines 7-12.

Independent claim 91 recites a method of presenting advertising in a menu guide, and is disclosed in the Applicant's specification as follows:

Features	Found in Specification
accepting advertising media content and a media program from a media content provider; and	Accepting media content and media programs from media content provider is disclosed in the specification in FIGs. 2 and 3 and at page 26, line 20 - page 27, line 21
providing the media program information to a subscriber on an active channel; and	Disclosed in specification at FIG. 51D, block 5114, and page 52, lines 3-9
providing a menu guide selected from a plurality of menu guides together defining a media program information space segmented by daypart, wherein the menu guide includes a menu guide content portion presenting media program information for media programs consisting of all of the media programs scheduled to be available on the active channel during a daypart selected from a current daypart and a selected daypart.	The menu guide is disclosed in FIG. 10 and the text appurtenant thereto (page 23, line 21 - page 25, line 19); the program information space segmented by daypart is disclosed in FIG. 9 and the text appurtenant thereto (page 21, line 23 - page 23, line 19); the menu guide content portion is disclosed in FIG. 10 (item 1006) and discussed at page 23 line 29 et seq.; presenting media program information regarding media programs consisting of all of the media programs scheduled to be available during the first daypart on an active channel is disclosed at page 51, lines 14-18 and page 7, lines 7-12.

Independent claim 92 recites a menu guide for presenting media program information, and is disclosed in the Applicant's specification as follows:

Features	Found in Specification
a menu guide content portion presenting media program information regarding media programs consisting of all of the media programs scheduled to be available during a first daypart on a selected channel; and	The menu guide content portion is disclosed in FIG. 10 (item 1006) and discussed at page 23 line 29 et seq.; presenting media program information regarding media programs consisting of all of the media programs scheduled to be available during the first daypart on a selected channel is disclosed at page 51, lines 14-18 and page 7, lines 7-12.
wherein the menu guide is selected from a plurality of menu guides together defining a media program information space segmented by a daypart.	The program information space segmented by daypart is disclosed in FIG. 9 and the text appurtenant thereto (page 21, line 23 - page 23, line 19)



Independent claim 94 recites a method of presenting media program information describing at least one media program, and is disclosed in the Applicant's specification as follows:

Features	Found in Specification
accepting a command to access the media program information at a time of day;	Disclosed in the specification in FIGs. 9 and 10 and at page 23, line 14 - - page 24, line 9)
determining a first daypart selected from the group comprising a current daypart defined from the time of day and a selected daypart; and	Disclosed in the specification in FIGs. 9 and 10 and at page 23, line 14 - - page 24, line 9)
providing a menu guide having menu guide content including media program information, the media program information describing media programs consisting of all of the media programs scheduled to be available during the first daypart on a selected channel.	The menu guide content portion is disclosed in FIG. 10 (item 1006) and discussed at page 23 line 29 et seq.; presenting media program information regarding media programs consisting of all of the media programs scheduled to be available during the first daypart on a selected channel is disclosed at page 51, lines 14-18 and page 7, lines 7-12.

## VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1, 2, 12, 14-16, 23, 24, 27-43, 46, 47, 57, 59-61, 68, 69, 71-88, 91, 92, 94 and 95 are patentable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,268,849, issued to Boyer (hereinafter, the Boyer reference) in view of U.S. Patent No. 6,005,565, issued to Legall (hereinafter, the Legall reference).

Whether claims 3-5, 8-10, 17-22, 25, 48-50, 53-55, 62-67 and 70 are patentable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,268,849, issued to Boyer (hereinafter, the Boyer reference) in view of U.S. Patent No. 6,005,565, issued to Legall (hereinafter, the Legall reference), and further in view of U.S. Patent No. 6,177,931, issued to Alexander (hereinafter, the Alexander reference).

## VII. ARGUMENT

### A. Summary

All of the Applicants claims are being rejected as unpatentable over Boyer in view of Legall (and some in further view of additional references). The Examiner acknowledges that Boyer fails to disclose “displaying all of the media programs scheduled to be available on the channel during the first day part”, but asserts that Legall (in FIGs. 3a and 3b) discloses these features by disclosing a web browser based EPG that *could* be used this way, if the user used a combination of filters in a way that none of the prior art references teach. The Applicants believe that this is an improper basis for the rejection of these claims.

In the context of media program guides, it is tempting to argue that it is a simple and obvious matter to add features that are present in one program guide to another. However, ergonomic factors and limited space on displays with limited resolution demand judicious choice of what information be provided in what context and how that information is presented.

### B. The References

#### 1. *The Boyer Reference*

Boyer discloses an Internet television program guide system with embedded real-time data and an Internet television program guide system is provided that allows a user at a multimedia system to access television program listings containing embedded real-time data over an Internet communications link. The television program listing may be for a sporting event that is currently being broadcast and the real-time data may be the current score of the event, the current weather where the event is taking place, or any other suitable real-time information on the event. The real-time data may be presented in the form of video stills, video clips, textual information, audio clips, or suitable combinations of such media. The user can perform database searches on the program guide listings to search for a desired program. If desired, the user can obtain additional information on a selected program by accessing an associated web page.

## *2. The Legall Reference*

Legall discloses an integrated search of electronic program guide, internet and other information resources and a power search tool that enables a user to search an electronic program guide and other information resources with one search. A search tool window is displayed that enables a user to select filter elements used to search. Alternately, in one embodiment, the filter elements are automatically selected from predetermined program elements, such as title or subject, of a selected program in the electronic program guide. The search tool performs a search of the electronic program guide and information resource and modifies the display of the electronic program guide to identify those programs that are filtered from the search. Similarly, a window displays information indicating those portions of the information resource that have been filtered during the search. Preferably the information resource is the world wide web and the URLs of the web sites that include information relative to the filter elements are displayed. The user can then view the electronic program guide and select broadcasts of programs to display as well as proceed to the web sites indicated simply by selection of the corresponding elements on the display.

## *3. The Sampsell Reference*

Sampsell discloses an on-screen electronic resources guide and a system for providing an on-screen electronic resource guide (ERG) includes an audio/visual display device; plural peripheral devices, each having an active mode and an inactive mode; an interface located between said audio/visual device and said peripheral devices; and an ERG generator for providing an ERG display for displaying programming available to said audio/visual display device from said peripheral devices when such devices are in their active mode. A method for providing an on-screen electronic resource guide (ERG) in an audio/visual display device having plural peripheral devices connected thereto over an interface, wherein each peripheral device has an active mode and an inactive mode includes generating an ERG display for displaying programming available to the audio/visual display device from said peripheral devices when such devices are in their active mode, and controlling a peripheral device from the ERG display.

C. Claims 1, 2, 12, 14-16, 23, 24, 27-43, 46, 47, 57, 59-61, 68, 69, 71-88, 91, 92, 94 and 95 are Patentable Under 35 U.S.C. §103(a) over Boyer in View of Legall

In paragraph (2), the Final Office Action rejected claims 1, 2, 12, 14-16, 23, 24, 27-43, 46, 47, 57, 59-61, 68, 69, 71-88, 91, 92, 94, and 95 under 35 U.S.C. §103(a) as unpatentable over Boyer et al. (Boyer), U.S. Patent No. 6,268,849, in view of the Legall et al. (Legall), U.S. Patent No. 6,005,565. Applicant respectfully traverses these rejections.

With Respect to Claims 1, 2, 12, 14-16, 23, 24, 27-43, 46, 47, 57, 59-61, 68, 69, 71-88: Claim 1 recites:

*A method of providing media program information, comprising the steps of:  
accepting a command to select an active channel from a plurality of selectable channels;  
accepting a command to provide a menu guide selected from a plurality of menu guides together defining a media program information space segmented by daypart, wherein the menu guide is associated with a first daypart; and  
providing the menu guide, the menu guide comprising a menu guide content portion presenting media program information regarding media programs consisting of all of the media programs scheduled to be available during the first daypart on a channel consisting of the active channel.*

The First Office Action acknowledged that Boyer fails to disclose “displaying all of the media programs scheduled to be available on the channel during the first day part”, but asserted that Legall (in FIGs. 3a and 3b, reproduced below) disclose these features by disclosing a web browser based EPG that the user may use a number of filter features, thus enabling a user to further refine their search.

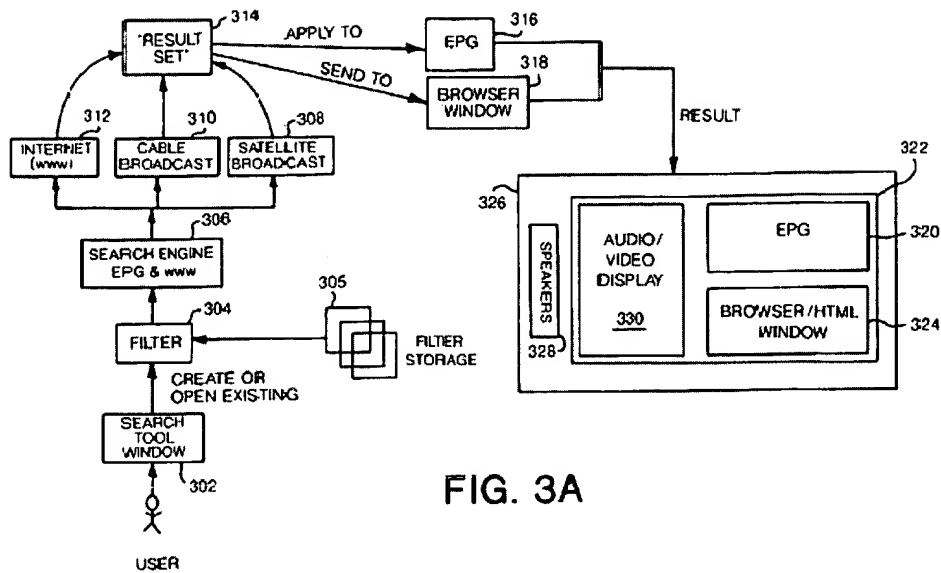


FIG. 3A

FIG. 3B

The Applicant respectfully traverses for the following reasons:

a) Legall Does not Teach Performing a Search that Would Result in the Applicant's Invention

Even if Legall were to disclose the a system that is capable of performing a search that would present a result analogous to that of the Applicant's invention, there is absolutely no suggestion or teaching that the user use it to do so.

To suggest that the Applicant's claims are unpatentable on this basis would forego granting patentable status to any invention that used the same parameters shown in Legall, no matter how novel and unobvious the combination. Clearly, this is not the law.

The Final Office Action states:

"In this case, both Boyer and Legall are program guide systems which aide a user in selecting programs to watch."

This alone is not adequate justification for combining Legall and Boyer.

"Boyer enables a user to search by channel, or time. Legall discloses a similar approach but provides many additional search options (see figure 3b) for example, different sources, topics, start times, lengths, etc which enable the user to further refine a search in order to make it easier to find a program of interest"

However, it is undisputed that Legall does not disclose combining these search options to arrive at the Applicant's invention. The Final Office Action then offers the conclusory statement:

"Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Boyer to utilize the star and end times of Legall, in order to only display programming within a certain time of day, for the advantage of refining a user search in order to make it easier to find programs of interest"

However, claim 1 does not specify merely displaying programming within a certain time of day. Instead it recites:

*"presenting media program information regarding media programs consisting of all of the media programs scheduled to be available during the first daypart on a channel consisting of the active channel"*

The Final Office Action also does not explain how the "search" makes it "easier to find a program of interest" than any other kind of search that Legall could support.

In fact, the proffered motivation for combining Boyer and Legall (in order to display programming within a certain time of day, for the advantage of refining a user search in order to make it easier to find programs of interest), appears to be hindsight reconstruction using the Applicant's own teaching against him. In truth, the Legall reference, like the Boyer reference, with their multifaceted and complex displays, both teach away from the Applicant's invention.

The Advisory Action answers that hindsight reconstruction is proper if it "does not include knowledge gleaned only from the applicant's disclosure." But that is just the point. The rejection's only rationale "for the advantage of refining user search in order to make it easier to find programs of interest" is clearly insufficient motivation to arrive at the Applicant's invention, as the same generally stated goal could be met by any number of different user searches that do not read on the Applicant's claims. Plainly, the rejection of the Applicant's claims *is* gleaned only from the Applicant's disclosure.

b) Legall Does Not Disclose a System that is Capable of Performing a Search that Would Present a Result Analogous to the Applicant's Invention

Claim 1 recites that the menu guide content portion presents media program information consisting of *all of the media programs scheduled to be available during the first daypart on a channel consisting of the active channel*. However, (1) neither Legall nor Boyer discloses presenting *all* of the media programs scheduled to be available during the first daypart on a single channel, and (2) Legall's power search function does not teach the ability to limit the search result by channel.

Neither Boyer nor Legall disclose presenting *all* of the media programs scheduled to be available during a daypart on a single channel. Boyer teaches showing program listings that begin in the morning, but it lists more than one channel and probably as a consequence, does not show *all* media programs available during the first daypart. It merely shows the typical programming grid (such as FIG. 9), and the buttons 630 provide shortcuts to a begin the programming grid at a particular time of day. Proof of that lies in Boyer itself. Note that there are 6 of what the Office Action refers to as "dayparts" ("EARLY," "MORNING," "MID-DAY," "AFTERNOON," "PRIME-TIME," and "LATE NITE"), and yet, the duration shown in the programming grid is only two hours. Since two hours times 6 "dayparts" is 12 hours, not the 24-hour period supposedly

covered. The unassailable conclusion is that the “dayparts” shown in Boyer are not “dayparts” at all ... just handy shortcuts to begin the programming grid at particular times of the day. In any case ... it is clear that *all* of the media programs in a particular daypart are not shown in the grid.

With respect to presenting all of the media programs to be shown on a particular channel, the Final Office Action argues:

“ ... Boyer is relied upon to teach restricting a search to a single channel (see col. 10, lines 53-60). Legall is relied upon to teach a number of additional search options, sources, categories, topics, start times, lengths, etc. Modifying Boyer to utilize the additional search criteria of Legall, including the time criteria, would result in restricting a search to times for content to be displayed on a single channel.”

The relevant portions of the Boyer reference is reproduced below, along with FIGs. 11 and

12.

40 By channel page 760 of FIG. 11 is presented when the user selects by channel option 512 from program guide menu page 500 (FIG. 8) or when the user clicks on a channel view button, such as channel view button 634 of by time  
45 page 600 (FIG. 9). By channel page 760 contains channel list 762. Channel list 762 may be arranged in channel number order and may contain associated icons 764 for certain channels. A user can click on each individual channel 766 in channel list 762 to obtain a list of program information based  
50 on the selected channel. For example, the user may select a sports channel to view dynamic information pertaining to a game in progress being televised on that particular channel.

When a channel 766 is selected, the user is presented with channel program list page 800, as shown in FIG. 12. The  
55 selected channel in the example of FIG. 12 is channel 2. In channel program list page 800, program listings 802 for the selected channel may be arranged in time order, beginning with the current time. If programs in program listings 802 extend into the next day, the programs may be separated by  
60 date separation bar 804. Embedded real-time data may appear with the program name in program listings 802, as real-time weather data 807 appears next to the title “College Football Army vs. Navy” in FIG. 12. Title bar 806 contains information identifying the currently selected channel.



UPN		GO TO PREVUE CHANNEL ONLINE		TCI																																													
TIME	CHANNEL	CHANNEL DESCRIPTION CHANNEL DESCRIPTION CHANNEL DESCRIPTION																																															
CATEGORY	SEARCH																																																
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FIG. 11

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FIG. 12

Note that what Boyer discloses is not a “search” in the same sense as it is described in Legall. Instead, the interface shown in FIG. 12 is obtained by selecting one of the channel icons shown in FIG. 11.

Note also that when Boyer is used as described, the result is not “presenting media program information regarding media programs consisting of all of the media programs scheduled to be available during the first daypart on a channel consisting of the active channel.”

The Advisory Action answers:

“The Examiner disagrees. The claims do not require showing 24 hours of programming. Showing 23 hours and 59 minutes of available programs would still be considered a day part. The claims merely require that a daypart to be displaying. 2 hours of programming is a part of a day. Morning/mid-day etc are parts of a day. The broadest possible reasonable interpretation of the claims includes both 2 hours of the day and the selection of a morning/mid-day etc as a daypart. Further the examiner is confused by applicants contention that it is clear that all of the media programs in a particular daypart are not shown in the grid, if one is to modify Boyer to utilize the additional filters taught by Legall.”

The Applicant addresses each of these contentions in turn:

The claims do not require showing 24 hours of programming. Showing 23 hours and 59 minutes of available programs would still be considered a day part. The claims merely require that a daypart to be displaying. It is well settled that during patent examination, the Applicant’s claims are to be given their *broadest reasonable interpretation* consistent with the specification (M.P.E.P. § 2111, *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). The standard is not the broadest *possible* reasonable interpretation .. it is the broadest *reasonable* interpretation. Further, that broadest reasonable interpretation must be consistent with the specification.

The Applicant’s specification defines a “daypart” as follows:

“A daypart 906 is a period of time, typically, but not necessarily periodic over 24 hours, during which viewers characteristically watch programs which are sufficiently related so that an inference may be drawn as to which other programs the viewer would be interested in.”

Clearly, a “daypart” is not simply any part of any day, as the Advisory Action suggests. 23 hours and 59 minutes may be part of a day, but it is not a daypart.

2 hours of programming is a part of a day. Morning/ mid-day etc are parts of a day. The broadest possible reasonable interpretation of the claims includes both 2 hours of the day and the selection of a morning/ mid-day etc as a daypart. Given the foregoing definition of a “daypart,” the Applicants must disagree with these statements. 2 hours may be part of a day, but it is not analogous to a daypart (although a daypart may be 2 hours long). Even if Boyer’s “Morning” and “mid-day” is construed to define dayparts, Boyer and Legall combined do not disclose presenting *all* of the media programs scheduled to be available during a daypart on a single (active) channel.

Further the examiner is confused by applicants contention that it is clear that all of the media programs in a particular daypart are not shown in the grid, if one is to modify Boyer to utilize the additional filters taught by Legall. Boyer teaches six of what the Examiner refers to as “dayparts” and yet the programming grid is only two hours. Two hours times six dayparts is only 12 hours, not 24 hours. At best, therefore, Boyer discloses only shortcuts to begin the programming grid at a particular time of the day, and *all* of the media programs in a particular daypart are not shown in the grid.

Further, while Legall discloses filters, it does not show using those filters as described in claim 1. As the Applicants have stated before, it is inappropriate to reject a claim based upon what a reference might be used to do, absent some teaching to actually do it. If the Examiner’s rejection were correct, a program guide that could possibly be arrived at by ANY use of the Legall’s filters in ANY combination would be unpatentable, no matter how novel and unobvious the combination. Plainly, that is not the law.

In light of the foregoing, the Applicant respectfully request the reversal of the rejection of claim 1.

Claim 46 recites features analogous to those of claim 1 and is patentable for the same reasons.

With Respect to Dependent Claims 2, 12, 14-16, 23, 24, 27-43, 47, 57, 59-61, 68, 69, 71-88:  
Dependent claims 2, 12, 14-16, 23-24, 27-33, and 35-43 depend on claim 1 and dependent claims 47, 57, 59-61, 68-69, 71-77, 80-85, and 88 depend on claim 46 and are patentable for the same reasons. These claims also include other features rendering them patentable over the Boyer reference.

With Respect to Claims 33 and 34: Claim 33 recites:

*The method of Claim 32, wherein the menu guide includes a menu content portion navigation icon indicating when the menu content portion of the menu guide is activated for navigation.*

With respect to the rejection of claims 33 and 34, the Office Action explains that it relied on Boyer for the teaching of an icon and took Official Notice that displaying an icon within a web browser which indicates that a navigation function is executed (was well known in the art).

The Applicants acknowledged that it is well known to change an icon in a web browser when a hyperlink is selected, but that is all. As the Applicants have noted, navigating a web browser is quite a different matter than navigating a menu displayed on a television.

The Applicants also noted that claim 33 recites features that are not disclosed by the references, even if it were appropriate to combine them. Even if Boyer and Legall together disclose an icon (e.g. IE icon in the top right corner of Internet Explorer) that is not a “navigation icon” that “indicates when the *menu content portion* of the menu guide *is activated* for navigation” as recited in claim 33.

The Final Office Action argues:

“Boyer discloses that the webpages disclose hypertext links, (col. 7, lines 42-53). Thus whenever a link is navigated too the IE menu icon would be momentarily displayed upon activation of the link.”

However, all that indicates is that a hyperlink was selected somewhere on the browser and that the browser is collecting information from a source at the URL associated with the link. It does not indicate when a *menu content portion* of the menu guide *is activated* for navigation.

The Advisory Action answers:

“Boyer discloses that the webpages use hypertext links (column 7, lines 42-53). Thus, whenever a link is navigated too the IE menu icon would be momentarily displayed upon

activation of the link. The claim is silent as to a navigation icon being only activated when the menu portion is selected.”

The Applicant responds that claim 33 recites “a menu content portion navigation icon indicating when the menu content portion of the menu guide is activated for navigation.” If the icon was activated with the selection of any hotlink, it could not be said to indicate “when the menu content portion of the menu guide is activated for navigation” as required. Plainly, neither Boyer nor Legall disclose anything even remotely related to the features of claim 33. The same is true with regard to claim 34.

With Respect to Claims 91, 92, 94, and 95: Claim 91 recites:

*A method of presenting advertising in a menu guide, comprising the steps of:  
accepting advertising media content and a media program from a media content provider; and  
providing the media program information to a subscriber on an active channel; and  
providing a menu guide selected from a plurality of menu guides together defining a media program information space segmented by daypart, wherein the menu guide includes a menu guide content portion presenting media program information for media programs consisting of all of the media programs scheduled to be available on the active channel during a daypart selected from a current daypart and a selected daypart.*

and claim 92 recites:

*A menu guide for presenting media program information, comprising:  
a menu guide content portion presenting media program information regarding media programs consisting of all of the media programs scheduled to be available during a first daypart on a selected channel;  
and  
wherein the menu guide is selected from a plurality of menu guides together defining a media program information space segmented by a daypart.*

According to the Office Action, Boyer discloses all of the above features except “displaying solely all of the media programs scheduled to be available on the channel during the first daypart,” and that Legall discloses these remaining features. The Applicants respectfully disagree for the reasons described above with respect to claim 1.

Claim 94 recites:

*A method of presenting media program information describing at least one media program, comprising the steps of:*

*accepting a command to access the media program information at a time of day;  
determining a first daypart selected from the group comprising a current daypart defined from the  
time of day and a selected daypart; and  
providing a menu guide having menu guide content including media program information, the media  
program information describing media programs consisting of all of the media programs scheduled to be  
available during the first daypart on a selected channel.*

Claim 94 recites features analogous to those of claims 1, 46, 91, and 92 and is patentable for the same reasons.

Claim 94 is also patentable for additional reasons as well. Legall teaches “power” searching for media programs by start time, but there is no attempt whatsoever to relate that search with anything analogous to a “current daypart determined from the time of day”. Boyer, at best, teaches presenting its display (which does not present all of the media programs scheduled to be available during a daypart on a channel) and offering an optional searching capability that is unrelated to the *current* daypart. There is no teaching whatsoever to “determine a first daypart selected from the group comprising a *current daypart defined from the time of day and a selected daypart.*”

Relying on the following passages:

rently being broadcast. For example, if the current time is between 1:30 P.M. and 2:00 P.M., program listings 620 may begin with programs that start at 1:30 P.M. Programs in program listings 620 that are reflective of televised events in progress provide dynamic information about those events by way of embedded real-time data 650. Embedded real-time

Cursors 622 and 624 (FIG. 9) are used to navigate to earlier or later time periods, respectively. Web browser cursors 626 and 628 allow the user to scroll through the program listings. The user may also navigate the program listings with time navigation buttons 630. For example, if the user would like to view program listings that begin in the morning, the user clicks on the morning navigation button 630. If the user would like to view program listings for

the Final Office Action argues that:

“Boyer teaches determining a first daypart selected from the group comprising a current daypart defined from the time of day (col. 9, lines 2-7) and a selected daypart (col. 9, lines 28-36). The current daypart is displayed to a user based on the current time. Alternatively a user may choose a daypart to navigate to.”

However, the first passage merely says that the program guide can start at the current time. But it displays program information for the media programs beginning at that current time and extending for some period forward ... it does not disclose determining the daypart defined from the time of day, nor does it provide media program information describing media programs consisting of *all* of the media programs scheduled to be available during the first daypart on a selected channel. It shows information for *all channels*, excludes programs before the current time, and does not extend through an entire daypart.

The second passage merely discloses buttons 630 that can be used to quickly navigate the program grid in time. But that navigation does not result in a display that shows all of the media programs that provided in a daypart on one channel.

Claim 95 recites features analogous to those of claim 94 and is patentable for the same reasons.

The Advisory Action answers that:

“The Examiner notes the group comprising language. The user in Boyer has the option of selecting a daypart to view of merely viewing the current daypart as determined by the present time. The user chooses which they view and a determination is made.”

The Applicant does not understand how the foregoing explains where features of the Applicant’s claims may be found in Boyer and Legall.

D. Claims 3-5, 8-10, 17-22, 25, 48-50, 53-55, 62-67 and 70 are Patentable Under 35 U.S.C. §103(a) over Boyer in View of Legall and further in View of Alexander.

In paragraph (3), the Office Action rejected claims 3-5, 8-10, 17-22, 25, 48-50, 53-55, 62-67, and 70 under 35 U.S.C. §103(a) as unpatentable over Boyer in view of Legall, and further in view of Alexander et al. (Alexander), U.S. Patent No. 6,177,931. Applicant respectfully traverses these rejections.

With Respect to Claims 3-5, 8-10, 17-22, 25, 48-50, 53-55, 62-67, and 70:

Claim 3 recites that “the menu guide further comprises a channel portion indicating *the* active channel”. The Office Action argues that Alexander discloses a cursor that can be used to highlight an “active” channel as follows:

In FIG. 2 of the drawing, one embodiment of a remote controller 26 for activating the functions of display 10 is shown. Remote controller 26 could have other keys for activating the functions of a user video device, such as a television receiver, a VCR, or a cable box. Remote control 26 has up, down, right, and left arrows keys 28, 30, 32, and 34, respectively, for controlling the movement of a cursor 36 on display 10. Cursor 36 can select, i.e., highlight, any of windows 12, 14, or 16 by pressing arrow keys 28 to 34, any of the titles and channels in Grid Guide 22 by pressing arrow keys 32 and 34, or navigation bar 20 by pressing arrow keys 32 and 34. Windows 12, 14, and 16 are highlighted by adding a border around the window or changing the color of the border, if the border is permanent. The titles and channels in Grid Guide 22 and navigation bar 20 are highlighted by changing color.

The Applicant respectfully responds that (1) neither Boyer, Legall, nor Alexander disclose a channel portion (distinct from the menu guide portion of claim 1), and (2) all Anderson discloses is that the portions of the menu guide portion can be highlighted with a cursor. That does not indicate what the active channel is, and does not disclose a separate portion indicating the active channel.

The Advisory Action answers that the claim does not require a separately displayed portion, but the Applicants respectfully disagree. Claim 3 recites a media guide comprising a menu guide content portion and a channel portion. In any case, as described in the text above, highlighting a window does not indicate what the “active” channel is, nor does the act of highlighting it make it a separate portion.

Claim 17 recites advertising content that is determined by a provider of the media program provided on the active channel. The Office Action argues:

“Alexander discloses in figure 1, a PIP window 12 that plays video for the last tuned channel, or the currently highlighted channel (column 3, line 63 - column 4, lines 27) , panel advertisements may be displayed in windows 14 and 16 (column 21, lines 39-54), and a virtual parent ad 52, which is contextually related to the channel displayed above it (column



22, lines 34-47, column 23, lines 12-19), thus providing many opportunities to view and advertisement”

“The Examiner takes official notice that a media provider determining advertising content on an active channel is notoriously well known in the art. For example, during a Super Bowl national advertisements for Pepsi are displayed during a commercial break, thus guaranteeing that a large number of viewers would see an advertisement and enable the ability to charge the advertiser for more money for airtime for a correspondingly larger viewership.”

The Applicant responded:

“Sponsored advertising is old in the art of course, but that has little to do with advertising presented in the context of a menu guide. It is one thing to have the media program provider determine the advertising content provided in their own signal, it is quite another to have the media program provider do so in an interface that they do not generate or have control over (e.g. the menu guide). Indeed, providing advertising content in an advertising content portion would be *redundant* as that information is already provided to the viewer via the FIG.”

The Final Office Action’s response appears to confuse the subject matter of claim 18 with that of claim 17. Claim 18 recites that the advertising content is contextually related to the media program on the active channel. Claim 17 recites that the content is *determined by the provider* of the media program on the active channel, not just contextually related to it. In any case, Alexander teaches Channel Ads that are placed *within* the menu guide content portion, not a (separate) *advertising content portion*.

The Advisory Action responded only to the issue of whether the advertising content portion must be separate ...

“The claims are silent as to the term separate. Therefore display of ads within the guide is appropriate.”

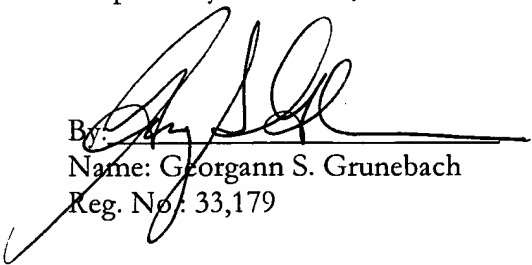
## VIII. CONCLUSION

In light of the above arguments, Appellant respectfully submit that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellant’s claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the

Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,

Date: October 23, 2006

By:   
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## CLAIMS APPENDIX

1. (PREVIOUSLY PRESENTED) A method of providing media program information, comprising the steps of:
  - accepting a command to select an active channel from a plurality of selectable channels;
  - accepting a command to provide a menu guide selected from a plurality of menu guides together defining a media program information space segmented by daypart, wherein the menu guide is associated with a first daypart; and
  - providing the menu guide, the menu guide comprising a menu guide content portion presenting media program information regarding media programs consisting of all of the media programs scheduled to be available during the first daypart on a channel consisting of the active channel.
2. (PREVIOUSLY PRESENTED) The method of Claim 1, wherein the at least some media program information describes the media programs scheduled to be available during the first daypart on the active channel.
3. (PREVIOUSLY PRESENTED) The method of Claim 1, wherein the menu guide further comprises a channel portion indicating the active channel.
4. (PREVIOUSLY PRESENTED) The method of Claim 3, wherein the channel portion further indicates the selectable channels.

5. (PREVIOUSLY PRESENTED) The method of Claim 3, wherein the channel portion indicated selectable channels are organized according to a sort selected from the group comprising

- alphabetical order, wherein each of the selectable channels is associated with a unique alphabetical designator,
- numerical order, wherein each of the selectable channels is associated with a unique numerical designator
- implicit user preference;
- explicit user preference; and
- at least one category, wherein at least some of the selectable channels are members of the at least one category.

6. (CANCELED)

7. (CANCELED)

8. (PREVIOUSLY PRESENTED) The method of Claim 1, wherein the menu guide further comprises a picture in guide (PIG) portion.

9. (ORIGINAL) The method of Claim 8, wherein the PIG portion presents media content for an active media program, wherein the active media program is a media program currently provided on the active channel.

10. (ORIGINAL) The method of Claim 8, wherein the PIG portion presents media program information regarding the media program currently provided on the active channel.

11. (CANCELED)

12. (PREVIOUSLY PRESENTED) The method of Claim 1, wherein the menu guide content portion comprises:

a plurality of portions of the media program information, each portion describing a respective one of the media programs scheduled to be available during the first daypart on the active channel.

13. (CANCELED)

14. (ORIGINAL) The method of Claim 12, wherein the plurality of portions are scrollable and each of the plurality of portions are selectable.

15. (ORIGINAL) The method of Claim 12, further comprising the step of:  
accepting a command to select one of the plurality of media programs available during the first daypart on the active channel; and  
presenting further media program information further describing the selected one of the media programs.

16. (PREVIOUSLY PRESENTED) The method of Claim 1, wherein the menu guide further comprises an advertising content portion having advertising content.

17. (ORIGINAL) The method of Claim 16, wherein the advertising content is determined by a provider of the media program provided on the active channel.

18. (ORIGINAL) The method of Claim 16, wherein the advertising content is contextually related to the media program provided on the active channel.

19. (ORIGINAL) The method of Claim 16, wherein the advertising content is determined according to user preferences.

20. (ORIGINAL) The method of Claim 16, wherein the advertising content is determined according to user viewing habits.

21. (ORIGINAL) The method of Claim 16, wherein the advertising content is determined according to the first daypart.

22. (ORIGINAL) The method of Claim 16, wherein the advertising content is user-selectable and selecting the advertising content initiates contact with a vendor.

23. (PREVIOUSLY PRESENTED) The method of Claim 1, wherein the menu guide content portion comprises a plurality of portions of the media program information, each portion describing a respective one of the media programs scheduled to be available during the first daypart on the active channel, and the method further comprises the steps of:

- accepting a command to activate the menu guide content portion for navigation;
- accepting a command to scroll through the plurality of portions of the media program information; and
- accepting a command to select one of the plurality of media programs.

24. (ORIGINAL) The method of Claim 23, further comprising the step of: presenting further media program information regarding the selected one of the plurality of media programs.

25. (ORIGINAL) The method of Claim 23, further comprising the step of: designating the selected media program as the home media program.

26. (ORIGINAL) The method of Claim 23, further comprising the step of: designating the selected media program for recording.

27. (ORIGINAL) The method of Claim 1, wherein the first daypart is a current daypart.

28. (ORIGINAL) The method of Claim 1, wherein the first daypart is a selected daypart.

29. (ORIGINAL) The method of Claim 1, wherein the media program information is wrappably scrollable in daypart increments in a time dimension and scrollable in a channel dimension.

30. (PREVIOUSLY PRESENTED) The method of Claim 1, further comprising the steps of:

accepting a selection of a second daypart from the media program information space; and  
providing a second menu guide, the second menu guide comprising the menu guide content portion presenting media program information describing media programs consisting of all of the media programs scheduled to be available on the active channel during the second daypart.

31. (ORIGINAL) The method of Claim 30, wherein:  
the selected second daypart is temporally distant from the first daypart by a time period selected from the group comprising:

a daypart;  
a day;  
a week;  
a month; and

the step of accepting a selection of the second daypart comprises the step of selecting a single user input.

32. (ORIGINAL) The method of Claim 30, wherein the step of accepting a selection of a second daypart from the media program information space comprises the steps of:

- activating the menu guide content portion of the menu guide for navigation;
- accepting a selection of a media program scheduled to be available on an active channel during the second daypart.

33. (ORIGINAL) The method of Claim 32, wherein the menu guide includes a menu content portion navigation icon indicating when the menu content portion of the menu guide is activated for navigation.

34. (ORIGINAL) The method of Claim 33, wherein the menu content navigation icon further comprises a plurality of elements indicating navigation of the menu content portion of the menu guide.

35. (PREVIOUSLY PRESENTED) The method of Claim 1, further comprising the steps of:

- accepting a command to designate a second channel as the active channel;
- modifying the first menu guide content portion to present media program information describing media programs consisting of all of the media programs scheduled to be available on the second channel during the first daypart.

36. (ORIGINAL) The method of Claim 35, wherein the menu guide further comprises a channel portion indicating an active channel and selectable channels, and the step of accepting a command to designate a second channel as the active channel comprises the steps of:

- accepting a command to activate the channel portion of the menu guide; and
- accepting a command to designate one of the selectable channels as the active channels.



37. (ORIGINAL) The method of Claim 35, wherein the selectable channels are selectably organizable according to a sort selected from the sort group comprising:

- alphabetical order, wherein each of the selectable channels is associated with a unique alphabetical designator,
- numerical order, wherein each of the selectable channels is associated with a unique numerical designator
- implicit user preference;
- explicit user preference; and
- at least one category, wherein at least some of the selectable channels are members of the at least one category.

38. (ORIGINAL) The method of Claim 37, further comprising the steps of:

- accepting a command to organize the selectable channels according to the sort selected from the sort group; and
- organizing the selectable channels according to the selected sort.

39. (PREVIOUSLY PRESENTED) The method of Claim 35, wherein the selectable channels are organized according to a plurality of categories, and the method further comprises the steps of:

- accepting a selection of a category from the plurality of categories;
- modifying the first menu guide content portion to present media program information describing media programs consisting of all of the media programs scheduled to be available on the channels belonging to the selected category during the first daypart.

40. (ORIGINAL) The method of Claim 35, wherein the selectable channels are organized according to a category selected from the category group comprising:

- a movie category;
- a pay per view category;
- a news category; and
- a sports category.

41. (ORIGINAL) The method of Claim 40, wherein at least one of the categories further comprises a plurality of subcategories.

42. (PREVIOUSLY PRESENTED) The method of Claim 41, further comprising the steps of:

- accepting a selection of a subcategory from the plurality of subcategories;
- modifying the first menu guide content portion to present media program information describing media programs consisting of all of the media programs scheduled to be available on the channels belonging to the selected subcategory during the first daypart.

43. (PREVIOUSLY PRESENTED) The method of Claim 42, further comprising the step of:

- selecting a second daypart;
- providing a second menu guide, the second menu guide comprising the menu guide content portion presenting media program information describing media programs consisting of all of the media programs scheduled to be available on the channels belonging to the selected subcategory during the second daypart.

44. (ORIGINAL) The method of Claim 35, wherein the second channel is a channel providing access to an interactive service.

45. (ORIGINAL) The method of Claim 35, wherein the channel is a personal video recorder (PVR) channel providing access to media programs recorded on the PVR, and the first menu guide content portion describes at least one media program available on the PVR channel.

46. (PREVIOUSLY PRESENTED) An apparatus for providing media program information describing media programs, comprising:

a receiver, having:

a tuner for receiving the media program and the media program information, a processor, communicatively coupled to the tuner, for accepting a command to select an active channel from a plurality of selectable channels and for accepting a command to provide a menu guide selected from a plurality of menu guides together defining a media program information space segmented by daypart, wherein the menu guide is associated with a first daypart, and for providing the menu guide, the menu guide having a menu guide content portion presenting media program information regarding media programs consisting of all of the media programs scheduled to be available during the first daypart on the active channel.

47. (PREVIOUSLY PRESENTED) The apparatus of Claim 46, wherein the at least some media program information describes the media programs scheduled to be available on an active channel during the first daypart on the active channel.

48. (PREVIOUSLY PRESENTED) The apparatus of Claim 47, wherein the menu guide further comprises a channel portion indicating the active channel.

49. (PREVIOUSLY PRESENTED) The apparatus of Claim 48, wherein the channel portion further indicates the selectable channels.

50. (PREVIOUSLY PRESENTED) The apparatus of Claim 48, wherein the channel portion indicated selectable channels are organized according to a sort selected from the group comprising

alphabetical order, wherein each of the selectable channels is associated with a unique alphabetical designator,

numerical order, wherein each of the selectable channels is associated with a unique numerical designator

implicit user preference;

explicit user preference; and

at least one category, wherein at least some of the selectable channels are members of the at least one category.

51. (CANCELED)

52. (CANCELED)

53. (ORIGINAL) The apparatus of Claim 49, wherein the menu guide further comprises a picture in guide (PIG) portion.

54. (ORIGINAL) The apparatus of Claim 53, wherein the PIG portion presents media content for an active media program, wherein the active media program is a media program currently provided on the active channel.

55. (ORIGINAL) The apparatus of Claim 53, wherein the PIG portion presents media program information regarding the media program currently provided on the active channel.

56. (CANCELED)

57. (PREVIOUSLY PRESENTED) The apparatus of Claim 46, wherein the menu guide content portion comprises:

a plurality of portions of the media program information, each portion describing a respective one of the media programs scheduled to be available during the first daypart on the active channel.

58. (CANCELED)

59. (ORIGINAL) The apparatus of Claim 57, wherein the plurality of portions are scrollable and each of the plurality of portions are selectable.

60. (ORIGINAL) The apparatus of Claim 57, wherein:  
the input device further accepts a command to select one of the plurality of media programs available during the first daypart on the active channel; and  
the processor further presents media program information further describing the selected one of the media programs.

61. (PREVIOUSLY PRESENTED) The apparatus of Claim 46, wherein the menu guide further comprises an advertising content portion having advertising content.

62. (ORIGINAL) The apparatus of Claim 61, wherein the advertising content is determined by a provider of the media program provided on the active channel.

63. (ORIGINAL) The apparatus of Claim 61, wherein the advertising content is contextually related to the media program provided on the active channel.

64. (ORIGINAL) The apparatus of Claim 61, wherein the advertising content is determined according to user preferences.

65. (ORIGINAL) The apparatus of Claim 61, wherein the advertising content is determined according to user viewing habits.

66. (ORIGINAL) The apparatus of Claim 61, wherein the advertising content is determined according to the first daypart.

67. (ORIGINAL) The apparatus of Claim 61, wherein the advertising content is user-selectable and selecting the advertising content initiates contact with a vendor.

68. (PREVIOUSLY PRESENTED) The apparatus of Claim 46, wherein the menu guide content portion comprises a plurality of portions of the media program information, each portion describing a respective one of the media programs scheduled to be available during the first daypart on the active channel, and wherein the input device further accepts:

- a command to activate the menu guide content portion for navigation,
- a command to scroll through the plurality of portions of the media program information;

and

- a command to select one of the plurality of media programs.

69. (ORIGINAL) The apparatus of Claim 68, wherein the processor further presents further media program information regarding the selected one of the plurality of media programs.

70. (ORIGINAL) The apparatus of Claim 68, wherein the input device further accepts an input to designate the selected media program as the home media program.

71. (ORIGINAL) The apparatus of Claim 68, wherein the input device further accepts an input to designate the selected media program for recording.

72. (ORIGINAL) The apparatus of Claim 46, wherein the first daypart is the current daypart.

73. (ORIGINAL) The apparatus of Claim 46, wherein the first daypart is a selected daypart.

74. (ORIGINAL) The apparatus of Claim 46, wherein the media program information is wrappably scrollable in daypart increments in a time dimension and scrollable in a channel dimension.

75. (PREVIOUSLY PRESENTED) The apparatus of Claim 46, wherein:  
the input device further accepts a selection of a second daypart from the media program information space;

the processor further provides a second menu guide in response to the selection of the second daypart from the media program information space, the second menu guide comprising the menu guide content portion presenting media program information describing media programs consisting of all of the media programs scheduled to be available on the active channel during the second daypart.

76. (PREVIOUSLY PRESENTED) The apparatus of Claim 75, wherein:  
the selected second daypart is temporally distant from the first daypart by a time period selected from the group comprising:

- a daypart;
- a day;
- a week;
- a month; and

the selection of the second daypart from the media program information space is accomplished with a single input.

77. (ORIGINAL) The apparatus of Claim 75, wherein the input device further accepts a command to activate the menu guide content portion of the menu guide for navigation, and accepts a selection of a media program scheduled to be available on an active channel during the second daypart.

78. (ORIGINAL) The apparatus of Claim 77, wherein the menu guide includes a menu content portion navigation icon indicating when the menu content portion of the menu guide is activated for navigation.

79. (ORIGINAL) The apparatus of Claim 78, wherein the menu content navigation icon further comprises a plurality of elements indicating navigation of the menu content portion of the menu guide.

80. (PREVIOUSLY PRESENTED) The apparatus of Claim 46, wherein:  
the input device further accepts a command to designate a second channel as the active channel;  
the processor further modifies the first menu guide content portion to present media program information describing media programs consisting of all of the media programs to be available on the second channel during the first daypart.

81. (ORIGINAL) The apparatus of Claim 80, wherein the menu guide further comprises a channel portion indicating an active channel and selectable channels, and the input device further accepts a command to activate the channel portion of the menu guide, and a command to designate one of the selectable channels as the active channels.



82. (ORIGINAL) The apparatus of Claim 80, wherein the selectable channels are selectably organizable according to a sort selected from the sort group comprising:

- alphabetical order, wherein each of the selectable channels is associated with a unique alphabetical designator,
- numerical order, wherein each of the selectable channels is associated with a unique numerical designator
- implicit user preference;
- explicit user preference; and
- at least one category, wherein at least some of the selectable channels are members of the at least one category.

83. (ORIGINAL) The apparatus of Claim 82, wherein:

- the input device further accepts a command to organize the selectable channels according to the sort selected from the sort group; and
- the processor further organizes the selectable channels according to the selected sort in response to the command to organize the selectable channels according to the sort selected from the sort group.

84. (PREVIOUSLY PRESENTED) The apparatus of Claim 80, wherein the selectable channels are organized according to a plurality of categories, and wherein:

- the input device further accepts a selection of a category from the plurality of categories;
- the processor further modifies the first menu guide content portion to present media program information describing media programs consisting of all of the media programs scheduled to be available on the channels belonging to the selected category during the first daypart in response to the selection of a category from the plurality of categories.

85. (ORIGINAL) The apparatus of Claim 80, wherein the selectable channels are organized according to a category selected from the category group comprising:

- a movie category;
- a pay per view category;
- a news category; and
- a sports category.

86. (ORIGINAL) The apparatus of Claim 85, wherein at least one of the categories further comprises a plurality of subcategories.

87. (PREVIOUSLY PRESENTED) The apparatus of Claim 86, wherein:  
the input device further accepts a selection of a subcategory from the plurality of subcategories;

the processor further modifies the first menu guide content portion to present media program information describing media programs consisting of all of the media programs scheduled to be available on the channels belonging to the selected subcategory during the first daypart.

88. (PREVIOUSLY PRESENTED) The apparatus of Claim 87, wherein:  
the input device further accepts a selection of a second daypart; and  
the processor further provides a second menu guide, the second menu guide comprising the menu guide content portion presenting of the media program information describing media programs consisting of all of the media programs scheduled to be available on the channels belonging to the selected subcategory during the second daypart.

89. (ORIGINAL) The apparatus of Claim 80, wherein the second channel is a channel providing access to an interactive service.

90. (ORIGINAL) The apparatus of Claim 80, wherein the channel is a personal video recorder (PVR) channel providing access to media programs recorded on the PVR, and the first menu guide content portion describes at least one media program available on the PVR channel.

91. (PREVIOUSLY PRESENTED) A method of presenting advertising in a menu guide, comprising the steps of:

accepting advertising media content and a media program from a media content provider;  
and

providing the media program information to a subscriber on an active channel; and

providing a menu guide selected from a plurality of menu guides together defining a media program information space segmented by daypart, wherein the menu guide includes a menu guide content portion presenting media program information for media programs consisting of all of the media programs scheduled to be available on the active channel during a daypart selected from a current daypart and a selected daypart.

92. (PREVIOUSLY PRESENTED) A menu guide for presenting media program information, comprising:

a menu guide content portion presenting media program information regarding media programs consisting of all of the media programs scheduled to be available during a first daypart on a selected channel; and

wherein the menu guide is selected from a plurality of menu guides together defining a media program information space segmented by a daypart.

93. (CANCELED)

94. (PREVIOUSLY PRESENTED) A method of presenting media program information describing at least one media program, comprising the steps of:

- accepting a command to access the media program information at a time of day;
- determining a first daypart selected from the group comprising a current daypart defined from the time of day and a selected daypart; and
- providing a menu guide having menu guide content including media program information, the media program information describing media programs consisting of all of the media programs scheduled to be available during the first daypart on a selected channel.

95. (PREVIOUSLY PRESENTED) The method of Claim 94, wherein the media program information is further based on the time of day.

## **EVIDENCE APPENDIX**

(none)

**RELATED APPEALS AND INTERFERENCES APPENDIX**

(none)